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37 C.F.R. § 1.8

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February 17, 2003

Date

  
Shelley P.M. Fussey

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Roy, Lavrovsky, Tyagi, Song, Chatterjee  
and Chen

Serial No.: 10/009,420

Filed: December 4, 2001

For: Estrogen Receptor Site-Specific Ribozymes  
and Uses Thereof for Estrogen Dependent  
Tumors

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: 4003.002300

**THIRD PETITION UNDER 37 C.F.R. § 1.181**

Commissioner for Patents  
ATTN: BOX PCT  
Office of PCT Legal Administration  
Washington, D.C. 20231

Sir:

This is a response to the communication entitled "Decision on Petition under 37 C.F.R. § 1.181", mailed from the U.S. Patent and Trademark Office (P.T.O.) on February 10, 2003 ("the Decision").

The Decision first indicates that it is in response Applicants' submissions of November 08, 2002 (Decision at page 1). However, the text of the Decision at page 2 shows that it is in response to Applicants' submissions of January 27, 2003.

The Decision further indicates that Applicants' petition has been granted and yet still requires further compliance within the period running from an earlier Decision on Petition under 37 C.F.R. § 1.181, mailed from the P.T.O. on January 15, 2003 ("the January Decision").

The instant Decision and the January Decision allege that the complete copy of the inventors' declaration "as executed by the inventor must be furnished to be Office".

Applicants first submitted the complete originals of the inventors' declarations as executed by the inventors to the Office on April 30, 2002, which has been acknowledged to have been received at the P.T.O. on May 06, 2002.

Applicants submitted second excerpts of the executed inventors' declarations to the Office on August 01, 2002 and submitted third excerpts of the executed inventors' declarations to the Office on September 17, 2002.

In response to the January Decision, Applicants submitted to the Office on January 27, 2003 the second complete copies of the inventors' declarations as executed by the inventors, along with the third computer-readable form of the sequence listing.

The instant Decision indicates that the third computer-readable form of the sequence listing has now been received. However, receipt has yet to be acknowledged for the second complete copies of the inventors' declarations as executed by the inventors, submitted to the P.T.O. in the same package on January 27, 2003, which were listed on the covering letter as "four further complete copies of the Inventors' Declaration executed by Arun K. Roy, Chung S. Song, Bandana Chatterjee, Shuo Chen, Yan Lavrovsky and Rakesh K. Tyagi" and listed on the postcard as "copy of Inv. Decls.". Applicants are troubled that the third computer-readable form of the sequence listing has been received, but that the second complete copies of the inventors' declarations, submitted in the same package, have not been received.

Enclosed herewith are third copies of pages 1, 2 and 3 of the complete Inventors' Declaration executed by Arun K. Roy; third copies of pages 1, 2 and 3 of the complete Inventors' Declaration executed by Yan Lavrovsky; and third copies of pages 1, 2 and 3 of the complete Inventors' Declaration executed by Rakesh K. Tyagi; and third copies of pages 1, 2 and 3 of the complete Inventors' Declaration executed by Chung S. Song, Bandana Chatterjee and Shuo Chen.

As with the second copies mailed on January 27, 2003, the enclosed third complete copies of the inventors' declarations as executed by the inventors consist of four page ones, four page twos, and four page threes.

The application is not only in complete compliance with all formal requirements, but in light of the International Preliminary Examination Report (IPER) prepared by the U.S. P.T.O., is also in condition for allowance and an early indication to this effect is respectfully requested.

No fees should be due. However, should any fees be due or any additional petitions be required, this paper should be considered as such a petition and any necessary fees should be deducted from Applicants' representatives' Deposit Account No. 50-0786/4003.002300.



23720

PATENT TRADEMARK OFFICE

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shelley'.

Shelley P.M. Fussey, Ph.D.

Reg. No. 39,458

Agent for Applicant

WILLIAMS, MORGAN & AMERSON, P.C.  
10333 Richmond, Suite 1100  
Houston, Texas, 77042  
(713) 934-4079

Date: February 17, 2003